

STATE OF CONNECTICUT  
DEPARTMENT OF HEALTH SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Albert K. Schwartz, D.P.M.

Petition No. 870105-19-001

CONSENT ORDER

WHEREAS, Albert K. Schwartz, D.P.M., of Farmington Avenue, Bristol, Connecticut, has been issued license number 000179, to practice podiatry by the Department of Health Services pursuant to Chapter 375 of the General Statutes of Connecticut, as amended; and

WHEREAS, the Department of Health Services has alleged that from approximately November 3, 1983 through January 22, 1986, in his treatment of patient Bruce Brown, Albert K. Schwartz, used pre-printed standardized operative reports for the surgeries he performed; and

WHEREAS, if proven said act would constitute a violation of §20-59(4) of the General Statutes of Connecticut; and

WHEREAS, Albert K. Schwartz does not admit to any violation of §20-59(4) of the General Statutes of Connecticut, but has subsequently ceased the use of pre-printed standardized operative reports;

NOW THEREFORE, pursuant to §19a-17 and §20-59 of the General Statutes of Connecticut, Albert K. Schwartz hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter;
2. That he is hereby reprimanded;
3. That he has and will continue to cease and desist using pre-printed operative reports. All reports must be original in nature and individualized for each patient for whom he performs surgery.

4. That for a 90-day period beginning from the date this Consent Order is ordered and accepted, he shall submit copies of all operative notes to the Department of Health Services to assure compliance with Paragraph 3 above. Patient names may be deleted, but file numbers or some other identifying feature shall remain on the reports. Said reports shall be submitted to:

Celia Bumstead Carroll  
Paralegal  
Department of Health Services  
Division of Medical Quality Assurance  
150 Washington Street  
Hartford, Connecticut

5. If the operative reports submitted to the Department of Health Services for review fail to comply with Paragraph 3 above, he shall be assessed a civil penalty of \$100.00 per report which is not in compliance.
6. That any deviation by the Respondent from the terms of this Consent Order shall constitute a violation of the Consent Order and will result in the following procedure:
  - a. That he will be notified in writing that the term(s) of this Consent Order have been violated provided no prior written consent for deviation from the term(s) had been granted by the Department of Health Services.
  - b. That said notification shall include the act(s) or omission(s) which violate the Consent Order.
  - c. That he will be allowed fifteen (15) days to demonstrate to the Department of Health Services that he was in compliance with the terms of this Consent Order or to cure the violation of the terms of this Consent Order.
  - d. That if he does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department of Health Services, his

license shall be suspended for a period of ninety (90) days or he shall be entitled to a hearing, at the Respondent's option.

- e. He must initiate said hearing through a written request by certified mail to the Department of Health Services within fifteen (15) days from notification of violation of this Consent Order.
  - f. He shall be entitled to a hearing before the Connecticut Board of Examiners in Podiatry.
  - g. Evidence presented to said Board by either the Department of Health Services or Respondent shall be limited to the alleged violation(s) of this Consent Order.
7. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Connecticut Board of Examiners in Podiatry (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-59 of the General Statutes of Connecticut, as amended, is at issue.
8. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.
9. That this Consent Order is effective the first day of the next month after which the seal of the last signatory is fixed to this document.
10. That he permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Health Services to present this Consent Order and the factual basis for said Consent Order to the Connecticut Board of Examiners in Podiatry. He understands that

said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted.

11. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its approval and acceptance by the Director of Medical Quality Assurance.
12. That he has consulted with an attorney prior to signing this document.

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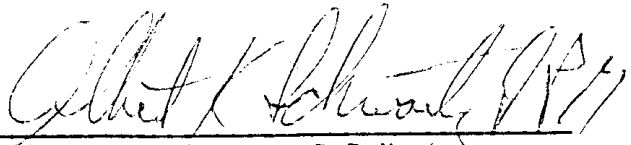
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I, Albert K. Schwartz, D.P.M., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

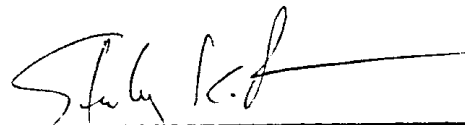
  
Albert K. Schwartz, D.P.M.

Subscribed and sworn to before me this 18<sup>TH</sup> day of APRIL 1989.

Alan H. Stenberg  
 Notary Public or person authorized  
 by law to administer an oath or  
 affirmation

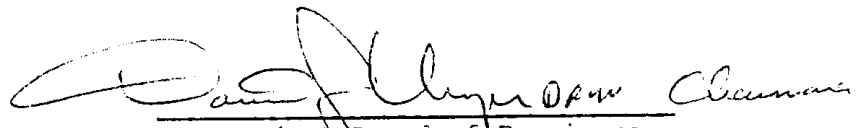
The above Consent Order having been presented to the duly appointed agent of  
 the Commissioner of Health Services on the 3<sup>rd</sup> day of

May 1989, it is hereby accepted.

  
Stanley K. Peck, Director  
 Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the  
 Connecticut Board of Examiners in Podiatry on the 17<sup>th</sup> day

of May 1989, it is hereby ordered and accepted.

  
Connecticut Board of Examiners  
 in Podiatry